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UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/788,132
Filing Date: February 16, 2001
Appellant(s): SELLERS ET AL.

Peter Priest
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/21/06 appealing from the Office action

mailed 10/20/05

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20020040339	Dhar	10-2000
6112190	Fletcher	9-1997

T.A. Myers & Co. "Real Estate Problem Loans: Workout Strategies And Procedures."

Dow Jones-Irwin. 1990. pp. 5 - 30.

Litton, Larry B. "The Return of Loss Mitigation." Mortgage Banking. Washington, DC.

vol. 57, iss. 8. May 1997. pp. 60 - 65.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1-3, 5, 6-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dhar (US PG Pub. 2002/0040339 A1) in view of Myers (TA Myers &

Co. *Real Estate Problem Loans: Workout Strategies and Procedures. Dow Jones-Irwin.*

1990. pp. 5 – 30) and Litton (Litton, Larry B. *The Return of Loss Mitigation. Mortgage*

Banking. Washington, DC. vol. 57, iss. 8. May 1997. pp. 60-65).

Regarding Claim 1, Dhar discloses a system comprising:

- a network of personal computers (clients) connected into a network

  administered by a central server computer (web server). ("The web server

  is <u>in network communication</u> with the Internet. The web server provides

  the Internet interface for the client's web browser. Specifically, the web

  server hosts dynamic web pages and provides an <u>interface for clients to</u>

  <u>interact with the application server</u> and the database server." - see p. 1,

  para. 0017);

- each personal computer in the network including a network interface for

  transmitting borrower inputs to, and receiving outputs from, the server

  computer. ("Each request from the client proceeds through the web

server, which <u>transmits the required information to the application server</u>."

– see p. 1, para. 0018. "Assuming that the borrower scores high enough to

qualify for one or more of the instant offer loans, the system compiles a list

of instant offers for that consumer and displays them on a web page for

the consumer's review." – see p. 9, para. 0104);

- each personal computer in the network further including display screens

  for receiving inputs from, and providing outputs to, a borrower, including

  inputs and outputs relating to a proposed loan. ("...<u>a website interface</u>

  providing a credit application form for a consumer to complete, the website

  interface providing a field for the consumer to select a category of loan

  offerings.." – see Claim 1. A display screen would be inherent in collecting

  input through a website interface. "Assuming that the borrower scores high

  enough to qualify for one or more of the instant offer loans, the system

  compiles a list of instant offers for that consumer and <u>displays them on a</u>

  <u>web page</u> for the consumer's review." – see p. 9, para. 0104);

- the central server computer (application server) having a central

  processing unit (workflow/decision engine) that runs automatic loan

  decision analysis software wherein the analysis software analyzes

  information relating to the loan and other information to determine whether

  to automatically approve the proposed loan. ("When the lending institution

  receives the application data, the back-end loan workflow engine is

  activated instantly to perform <u>automatic decision analysis</u> for credit

scoring, ratio analysis and other credit checks to meet the selection

criteria of each financial institution." – see p. 4, para. 0041. "The workflow

engine accepts web-based loan applications, processes the loan

applications programmatically, and renders a loan decision within

seconds." – see abstract. "...renders an programmatic loan decision

without human intervention..." – see abstract – establishing that the

decision is automatic); and

- the central server computer transmitting to the financially troubled

  borrower, automatically over the network, automatic approval of the

  proposed loan if certain predefined parameters (checklists) are met and, if

  the predefined parameters are not met, providing further instructions to the

  financially troubled borrower. ("The workflow engine uses checklists to

  evaluate loan applications." – see abstract. "If the bank rejects the

  application, a rejection notice is sent to the applicant." – see p. 9, para.

  0100. "...renders an programmatic loan decision without human

  intervention..." – see abstract – establishing that the decision is

  automatic).

Dhar does not teach a system comprising:

- inputs from and outputs to, a financially troubled borrower, including inputs

  and outputs relating to a proposed loss mitigation workout;

- automatic loan workout decision analysis software wherein the analysis

  software analyzes information relating to a preexisting loan whose terms

are not being met by the financially troubled borrower and other

information relating to why the troubled borrower is financially troubled to

determine whether to automatically approve the proposed loss mitigation

loan workout; and

- automatic approval of the proposed loss mitigation loan workout.

Myers discloses a system comprising:

- inputs from and outputs to, a financially troubled borrower, including inputs

  and outputs relating to a proposed loan workout;

- loan workout decision analysis wherein the analysis analyzes information

  relating to a preexisting loan whose terms are not being met by the

  financially troubled borrower and other information relating to why the

  troubled borrower is financially troubled to determine whether to approve

  the proposed loan workout; and

- approval of the proposed loan workout. (see Uniform Approach to Loan

  Workouts, pp. 5 – 30, in which Myers establishes the inputs, outputs,

  analysis and decision process, and implementation for loan workouts).

Litton discloses a system comprising:

- inputs from and outputs to, a financially troubled borrower, including inputs

  and outputs relating to a proposed loss mitigation workout. ("Recognizing

  the lack of available technology to support loss-mitigation efforts, in 1995

  Litton began developing proprietary software, RADAR, and implemented it

  in 1996. The system automates the process and prepares a complete

financial analysis based on given assumptions...The system interfaces

with data sources that provide current property values so that calculations

will consider the most likely sales price and marketing time should the

property go to foreclosure and become owned real estate. The system

also interfaces with credit bureaus, property inspection companies and

title information sources." – establishing receiving inputs and inherently

generating outputs);

- automatic loan workout decision analysis software wherein the analysis

  software analyzes information relating to a preexisting loan whose terms

  are not being met by the financially troubled borrower and other

  information relating to why the troubled borrower is financially troubled to

  determine whether to approve the proposed loss mitigation workout.

  (supra); and

- approval of the proposed loss mitigation workout. (supra).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified Dhar by incorporating the established loan

workout analysis, as disclosed by Myers, and the loss mitigation analysis, as disclosed

by Litton, into the automated loan decision analysis software and workflow (decision)

engine, as disclosed by Dhar, to provide a faster and automated system through which

to run loss mitigation workouts, and, as disclosed by Dhar, produce an automatic

decision.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have automated these processes, since it has been held that broadly providing a mechanical or automatic means to replace manual activity that accomplishes the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding Claim 2, Dhar discloses a system, wherein the personal computers are connected into the network using an Internet connection. ("The web server is in network communication with the Internet. The web server provides the Internet interface for the client's web browser. Specifically, the web server hosts dynamic web pages and provides an interface for clients to interact with the application server and the database server." - see p. 1, para. 0017).

Regarding Claim 3, Dhar discloses a system, wherein the network interface is web-based. ("The web server is in network communication with the Internet. The web server provides the Internet interface for the client's web browser. Specifically, the web server hosts dynamic web pages and provides an interface for clients to interact with the application server and the database server." - see p. 1, para. 0017).

Regarding Claim 5, Dhar discloses a system, wherein if the user inputs fail to satisfy predetermined guidelines (checklists), the user receives a message informing the user that the system cannot be used. ("Rejection notice sent to applicant" – see figure 7, 114, 116, 118 and 120).

Regarding Claims 6 – 8 and 10, further method claims would have been

obvious from system claims rejected above, Claims 1 – 3 and 5, respectively, and are

therefore rejected using the same art and rationale.

Regarding Claim 11, further apparatus claim would have been obvious from

system claim rejected above, Claim 1, and is therefore rejected using the same art and

rationale.

Claims 4, 9 and 12 - 13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dhar, Myers and Litton, as in Claim 1, 6 and 11 above, in further view

of Fletcher (US Patent 6,112,190).

Regarding Claim 4, neither Dhar, Myers nor Litton teach a system, wherein:

- <u>the user selects a workout type among a menu of predefined workout</u>

  <u>types.</u>

Fletcher discloses a system wherein:

- the user utilizes selects a analysis type among a menu of predefined

  analysis types (pulldown menu – see figure 14).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified the automated loss mitigation loan workout

system, as disclosed by Dhar, Myers and Litton, in combination, to provide a menu of

predefined analysis types for selection among, as disclosed by Fletcher, to utilize a

common and standard software feature to create an easier to utilize graphic user

interface.

Regarding Claim 9, further method claim would have been obvious from system claim rejected above, Claim 4, and is therefore rejected using the same art and rationale.

Regarding Claim 12, further apparatus claim would have been obvious from system claim rejected above, Claim 4, and is therefore rejected using the same art and rationale.

Regarding Claim 13, Dahr does not teach a medium <u>wherein a selected workout type is a Repay/Forbear workout type, a Borrower Assistance Program workout type, or a Loan Modification workout type.</u>

Myers discloses a Repay/Forbear workout type (payment modification, removal of borrower: foreclosure – see pp. 18 – 23) and a Loan Modification workout type (payment modification, loan modifications, extensions of loan maturity – see pp. 18 – 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dhar, Myers and Litton, in combination, by incorporating a menu of predefined analysis types, as was done by Fletcher, to utilize a common and standard software feature to create an easier to utilize graphic user interface, and to populate that menu with common workout types such as a Repay/Forbear and Loan Modification workout types, as discussed by Myers, to make it easy and simple to access common workout types.

(10) Response to Argument

Regarding rejection under 103 (a), the applicant argues that Dhar in view of

Myers and Litton, neither separate nor in combination, support the examiner's rejection

(see Appeal Brief, pp. 6 – 7). The current examiner respectfully disagrees.

Applicant focuses on examiner's admission that Dhar does not specifically teach:

- inputs from and outputs to, a financially troubled borrower, including inputs

  and outputs relating to a proposed loss mitigation workout;

- automatic loan workout decision analysis software wherein the analysis

  software analyzes information relating to a preexisting loan whose terms

  are not being met by the financially troubled borrower and other

  information relating to why the troubled borrower is financially troubled to

  determine whether to automatically approve the proposed loss mitigation

  loan workout; and

- automatic approval of the proposed loss mitigation loan workout.

Examiner sought to stress that Dhar does not specifically teach the underlined

portions of the claim limitations. However, Dhar does disclose a system comprising:

- inputs (web-based loan applications) from and outputs (loan decisions) to,

  a borrower, including inputs and outputs relating to a proposed loan. (see

  Dhar, abstract; p. 1, para. 18; p. 9, para. 14);

- automatic loan decision analysis software (workflow decision engine)

  wherein the analysis software analyzes information relating to a loan

  amount desired by the borrower and other information (credit rating)

related to the borrower to determine whether to approve the proposed

loan. (see Dhar, abstract; Fig. 1; p. 4, para. 41); and

- approval of the proposed loan (see Dhar, abstract).

While Dhar does not teach that the inputs, outputs, analysis software nor

approval are related to a loss mitigation loan workout, such loan renegotiation and/or

loan restructuring processes are old and well known in the art of financial management,

as evidenced by Myers and Litton. And it would have been obvious to one of ordinary

skill in the art at the time the invention was made to have modified Dhar by

incorporating such standard loan renegotiation and/or loan restructuring processes, as

disclosed by Myers and Litton, to capture the efficiencies inherent in automation of a

former manual process. Such automation follows logically from the motivation and

insight gained from Dhar which states "Technology has changed the landscape of the

financial services industry such that agents play an increasingly shrinking role in

marketing the financial products to consumers. As the Internet has grown in popularity,

consumers shop for financial services over the Internet without the aid of an agent... A

growing number of online companies also provide loan services; however, these online

companies currently fall short of fully automating the loan process." (see Dhar, p. 1,

para. 4 – 5).

Applicant also focuses on the fact that Myers' approach relies on a human

"decision maker to generate informed, confident decisions that maximize the return in

problem situations." (see Myers, p. 26, lines 4 – 7). Applicant asserts that such

statements "teaches away from the present invention or represents the failure of

others." (see Appeal Brief, p. 7, lines 12 – 13).

However, disclosed examples and preferred embodiments do not constitute a

teaching away from a broader disclosure or non-preferred embodiments. *In re Susi*, 169

USPQ 423 (CCPA 1971). Myers is a financial management textbook for dealing with the

handling of problematic loans, not a textbook concerning the application of information

technology to the financial industry. The mere fact that Myers discusses the

performance of the loan workout procedure by manual means is insufficient to be

considered as teaching away from a possible automated process.

Furthermore, one must also consider that Myers was published in 1990, a time at

which Myers may not have envisioned the future automation that would become

prevalent in the financial industry, as disclosed by Dhar. Knowledge in the art may have

advanced such that results considered incredible are no longer per se incredible. *Ex

parte Rubin*, 5 USPQ2d 1461 (BdPatApp&Int 1987). While Myers had not have

perceived the technological advances in the art of financial management at the time his

work was composed does not necessarily mean that Myers teaches away from eventual

automation as future advances allowed.

Regarding rejection under 103 (a) of Claims 1, 6 and 11, the applicant argues

that Dhar in view of Myers and Litton, neither separate nor in combination, support the

examiner's rejection (see Appeal Brief, p. 8, line 1 – p. 10, line 3 and p. 11, lines 6 –

22). The current examiner respectfully disagrees.

Applicant asserts that Examiner's comparison of Dhar's "checklist" for loan approval to the claimed limitation of "predefined parameters" for loss mitigation loan workout is incorrect. (see Appeal Brief, p. 9, lines 1 – 5). Applicant also asserts that none of the references teach analysis software that analyzes "information relating to a preexisting loan whose terms are not being met by the financially troubled borrower to determine whether to automatically approved the proposed loss mitigation loan workout." (see Appeal Brief, p. 9, lines 17 – 22).

However, applicant's arguments hinges upon examination of the references individually and not in combination. True, Dhar's "checklist" relates to loan approval, not loss mitigation loan workouts. However, if one was to automate the standard financial management processes, as disclosed by Myers and Litton, some criteria would need to be established for automated loan workout approval, in the same manner in which Dhar utilizes its "checklist" for an automated loan approval.

Furthermore, "the existence of a pre-existing loan whose terms are not being met by the financially troubled borrower" is inherent in a borrower attempting to restructure and/or renegotiate the loan, as disclosed by Myers and Litton. Myer states that "[a] loan workout may be required when a factors converge to <u>threaten the viability of a loan</u>." (see Myers, p. 17 – emphasis added). And Litton states "Loss mitigation programs in servicing operations will never accomplish the objectives sought by investors and insurers until technology is in place that allows for every <u>seriously delinquent loan</u> to be reviewed in depth and for comparative tests to be performed to aid in the decision process." (see Litton, p. 60 – emphasis added). Therefore, loan workouts and loss

mitigation analysis is conditioned upon a pre-existing loan whose terms are not being met.

Regarding rejection under In re Venner (120 USPQ 192), the applicant argues that *In re Venner* was inappropriately applied to establish the obviousness of automation of a known process. (see Appeal Brief, p. 10, line 4 – p. 11, line 5 and p. 11, line 23 – p. 12, line 11). The current examiner respectfully disagrees.

As the applicant concedes, within *In re Venner* "all the elements were considered old" (see Applicant's Arguments, p. 11, lines 1 – 3) and all the component elements existed in "the prior art." (see Applicant's Arguments, p. 10, line 20 – p. 11, line 1). In the instant case, all the elements are considered old and exist in the prior art. The process of conducting a loan workout is old and well known in the art, and utilizing a computer system to automate a process is old and well known in the art. The process of providing loss mitigation analysis is old and well known in the art, and utilizing a computer system for such an analysis is old and well known in the art. Therefore, it would have been obvious, as with *In re Venner*, to automate known processes, such as loss mitigation analysis and loan workout analysis, with a computer system.

Regardless of *In re Venner*, such automation is obvious based upon the references themselves. As Dahr states "Technology has changed the landscape of the financial services industry such that agents play an increasingly shrinking role in marketing the financial products to consumers. As the Internet has grown in popularity, consumers shop for financial services over the Internet without the aid of an agent... A growing number of online companies also provide loan services; however, these online

companies currently fall short of fully automating the loan process." (see Dhar, p. 1, para. 4 – 5).

And Litton states "Unfortunately, while the new technology has started to appear to help servicers in delinquency management and loss mitigation, it has been slow to develop. Although sophisticated technology has quickly taken hold in the loan origination side of the business, the sophisticated technology required to make default decisions has not effectively been packaged and put to use in most servicing operations today...What is needed to adequately service a mortgage from a loss perspective is an automated system...". (see Litton).

As Dahr and Litton demonstrate, the loan industry, loan origination and loan servicing, have migrated to utilization of automated systems and, therefore, further automation would have been obvious based upon such current computer application and industry trends.

Applicant further argues that such an interpretation of *In re Venner* "would preclude automation, in general, and would foreclose many inventions which automate manual activity such as the cotton gin, a vending machine, most microprocessors and other computer applications, and the like." (see p. 10, lines 15 – 18). However, despite applicant's arguments what distinguishes the applicant's invention from the cotton gin is that the applicant is broadly automating a known method utilizing a known and existing technology. The applicant is not claiming specific features or structures that make the automation possible, nor is the applicant providing any innovation to the method for which automation is sought.

Theoretically, under the applicant's argument, whenever a future patent applicant named a known manual process, be it servicing car loans, sports handicapping or counting grains of sand on a beach, and stated that they were going to automate such a process using a computer, said combination would be allowable, provided that they were the first person to commit such a combination to paper.

Additionally, applicant argues that since none of the prior art discloses nor suggests "workout decision analysis software" (see p. 11, lines 4 – 5) and, therefore, that *In re Venner* does not even apply. Examiner believes that once again, the applicant's arguments hinge upon examination of the references individually and not in combination. Myers discloses workout decision analysis, albeit manual workout decision analysis, while Dahr and Litton disclose software programming for loan approval and loan analysis. Therefore, prior art does disclose and suggest "workout decision analysis software." *In re Venner* makes the automation link between the manual process of Myer and the automated systems of Dahr and Litton, although as Dahr and Litton reference automation of the loan industry internally such a reliance upon *In re Venner* is ultimately unnecessary.

Further, applicant argues that an automated "approval process does not accomplish the same result with manual approval by individual specialists." (see p. 11, line 23 – p. 12, line 2.) But the deviations the applicant states, such as speed and consistency, are old and well known benefits inherent in computer automation, in general.

Regarding rejection under 103 (a) of Claims 4, 9, 12 and 13, the applicant

argues that Dhar in view of Myers, Litton and Fletcher, neither separate nor in

combination, support the examiner's rejection (see appeal brief, p. 12, line 12 – p. 13,

line 20). The current examiner respectfully disagrees.

Applicant argues that Fletcher does not disclose "the selection of a workout type

among a menu of predefined workout types." (see p. 12, lines 16 – 18). Applicant

focuses on the fact that the pull down menu, as disclosed by Fletcher, does not teach

workout types but other loan analysis options. Applicant further argues that prior art

does not recite "the workout types of a 'Repay/Forbear workout type', a Borrower

Assistance Program workout type, or a Loan Modification workout type." (see Appeal

Brief, p. 13, lines 2 – 4).

Fletcher was utilized for disclosure of a drop-down menu populated by program

functions and/or analysis types, in general. As Fletcher relates to loan analysis and not

loan workouts, the functions contained in the drop-down menu obviously correspond to

loan analysis and not loan workouts. However, as disclosed by Fletcher, drop-down

menus contained functions related to the corresponding program are old and well

known in the art.

While Fletcher does not disclose a drop-down menu containing the loan workout types

claimed by applicant, said loan workout types are old and well known in the art.

Applicant claims a Repay/Forbear workout type (see Appeal Brief, p. 13, lines 2 –

4), while Myers refers to loan workout types that retain the existing borrower such as

through "Payment Modification" and "Extensions of Loan Maturity" (see Myers, p. 18),

and the removal of the borrower through "Foreclosure" and "Deed-In Lieu of Foreclosure." (see Myers, pp. 20 – 23).

Applicant claims a Borrower Assistance Program workout type (see Appeal Brief, p. 13, lines 2 – 4) which applicant defines as a payment time extension (see Specification, p. 9, lines 19 – 20), while Myers refers to a "Payment Modification" loan workout that "adjust[s] the debt service or timing of payment required of the borrower." (see Myers, p. 18).

Applicant claims a Loan Modification workout type (see Appeal Brief, p. 13, lines 2 – 4), while Myers discusses loan workouts that modify the underlying loan via "Payment Modification" and "Extensions of Loan Maturity" (see Myers, p. 18).

In light of the fact that drop-down menus with programmed selections are old and well known in the art, as disclosed Fletcher, and the selections claimed by the applicant are old and well known loan workout types, as disclosed by Myers, it would, therefore, have been obvious to have modified Dahr, Myers and Litton by incorporating a drop-down menu with programmed functions related to the corresponding program, as disclosed by Fletcher, to utilize a common and standard software feature to create an easier to utilize graphic user interface, said menu populated with selections corresponding to the loan workout nature of the proposed system.

Regarding federal law, the applicant argues that the examiner's findings of obviousness are contrary to the law of the federal circuit and, specifically, that the examiner is utilizing impermissible hindsight and improperly combining references. (see appeal brief, p. 13, line 22 – p. 15, line 23). The current examiner respectfully disagrees.

As per applicant's argument concerning impermissible hindsight, examiner asserts that "[a]ny judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning, but so long as it takes into account only knowledge which was within the level of ordinary skill at the time claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, reconstruction is proper." *In re McLaughlin*, 170 USPQ 209, 212 (CCPA 1971).

As per applicant's argument concerning improper motivation to combine references, examiner asserts that it is not necessary that a reference actually suggest changes or possible improvements which the applicant made, as stated in *In re Sheckler*, 168 USPQ 716 (CCPA 1971). However, Dahr does suggest automation within the insurance servicing industry and foresees further automation in said industry. (see Dhar, p. 1, para. 4 – 5).

The Patent & Trademark Office can satisfy the burden under § 103 to establish a prima facie case of obviousness "by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine*, 5 USPQ2d 1596, 1598 (CA FC 1988).

Even if the references in the instant case do not expressly suggest the specific combination claimed by the inventor, an assertion which the Examiner contests, "to support conclusion that claimed combination is directed to obvious subject matter, references must either expressly or impliedly suggest claimed combination or examiner must present convincing line of reasoning as to why artisan would have found claimed

invention to have been obvious in light of references' teachings." *Ex parte Clapp*, 227

USPQ 972, 973 (BdPatApp&Int 1985).

The Courts have already established that "[h]aving established that this

knowledge was in the art, the examiner could then properly rely, as put forth by the

solicitor, on a conclusion of obviousness 'from common knowledge and common sense

of the person of ordinary skill in the art without any specific hint or suggestion in a

particular reference.'" *In re Bozek*, 163 USPQ 545, 549 (CCPA 1969).

Examiner following this line of logic, Examiner asserts that loss mitigation

analysis, as disclosed by Litton, and loan workout analysis, as disclosed by Myers, are

established in the art. Examiner also asserts that automated approval systems, as

disclosed by Dahr, and drop-down menus with preprogrammed functions, as disclosed

by Fletcher, are established in the art. Common knowledge and common sense, even

without suggestions contained within the references, would dictate that automated

approvals of loss mitigation and loan workout analysis would be obvious, as users of

said analysis techniques attempt to capture the benefits inherent in said automation,

such as speed, efficiency and consistency. Furthermore, common knowledge and

common sense would dictate that that users of a computerized system that performs

said automated analysis and approval would attempt to utilize standard and traditional

graphic user interface features, such as drop-down menus populated by appropriate

functions, to enhance the systems ease of use.

(11) Evidence Appendix

None

(12) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

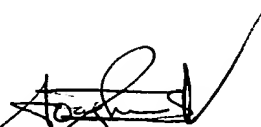Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

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